APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,118	01/31/2001	Peter M. Maddocks	10004943-1	5383

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
KANG, INSUN

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/773,118	MADDOCKS ET AL.
	Examiner	Art Unit
	Insun Kang	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>7/25/2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22,34,35,39 and 41-52</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22, 34, 35, 39, and 41-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/25/2005</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed 7/25/2005.

2.   As per applicant's request, claims 23-33, and 40 have been cancelled, claims 1-

6-12, 14, 19-22, 34, and 39 have been amended and claims 41-52 have been added.

Claims 1-22, 34, 35, 39, and 41-52 are pending in the application.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
> subject to the conditions and requirements of this title.

4.   Claims 46-52 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 46-52 are non-statutory because they are directed to a "computer

program" without recitation of a computer or a computer-readable medium embodying

the program. The claims merely recite a "computer program" that is disembodied

arrangement so as to be called a "computer program" or compilation of facts,

information, or data per se, without creating any functional interrelationship, either as

part of the stored data or as part of the computing processes

performed by the computer ("acts") or computer readable medium so as to enable the

computer to perform the claimed step of displaying a sequence etc as recited.

 Thus the claims represent non-functional descriptive material that is not capable of

producing a useful result, and hence represent only abstract ideas. Therefore, the

claims are non-statutory.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-22, 39, and 41-52 are rejected under 35 U.S.C. 102(e) as being

anticipated by Blowers et al. hereinafter referred to as "Blowers."

As per claim 1:

Blowers discloses:

- a graphical user interface (GUI) comprising: logic configured to execute GUI

generation code and GUI user interaction handling code; and a display device in

communication with said logic (i.e. "Graphical representations of possible hardware and

possible machine vision tasks are displayed. Commands are received from a user to

select desired hardware operating parameters corresponding to desired hardware and a

machine vision graphical representation and its associated first control program

corresponding to a desired machine vision task," abstract)

-wherein execution of the GUI generation code by said logic causes a first window and

a second window to be displayed on the display device, said first window presenting a

first panel configured to present a sequence of commands and a second panel

configured to present one or more available commands for adding commands to the

sequence, and said second window presenting results of execution of the sequence of commands (i.e. "The task sequence generation window illustrated in Figs 7-9" and results window of Fig. 9 through a results interface 60) as claimed.

As per claim 2, the rejection of claim 1 is incorporated. Blowers further discloses that said first and second panels are simultaneously and fully viewable by a user (i.e. col. 9 lines 1-6) as claimed.

As per claim 3, the rejection of claim 1 is incorporated. Blowers further discloses that said sequence comprises a representation of at least one device (i.e. col. 9 lines 1-6) as claimed.

As per claim 4, the rejection of claim 3 is incorporated. Blowers further discloses: said at least one device has at least one command associated therewith (i.e. col. 9 lines 1-6; "The task sequence generation window illustrated in Figs 7-9" and results window of Fig. 9 through a results interface 60) as claimed.

As per claim 5, the rejection of claim 4 is incorporated. Blowers further discloses: said at least one command further comprises an argument (i.e. col. 9 lines 1-6; "The task sequence generation window illustrated in Figs 7-9" and results window of Fig. 9 through a results interface 60) as claimed.

As per claim 6, the rejection of claim 1 is incorporated. Blowers further discloses that said presented results include a start time and an end time associated with execution of each command executed (i.e. col. 9 lines 16-25) as claimed.

As per claim 7, the rejection of claim 1 is incorporated. Blowers further discloses that said presented results include information defining an iteration associated with a displayed command (i.e. col. 9 lines 16-25) as claimed.

As per claim 8, the rejection of claim 1 is incorporated. Blowers further discloses that said presented results include a step associated with the displayed command (i.e. col. 9 lines 7-25) as claimed.

As per claim 9, the rejection of claim 1 is incorporated. Blowers further discloses that said presented results include a device associated with the displayed command (i.e. col. 9 lines 7-25) as claimed.

As per claim 10, the rejection of claim 1 is incorporated. Blowers further discloses that presented results include information indicating whether or not the displayed command was successfully executed (i.e. col. 9 lines 7-25) as claimed.

As per claim 11, the rejection of claim 1 is incorporated. Blowers further discloses that said second window displays a unique iteration number identifier for each of said one or more iterations of the sequence, each said iteration number identifiers uniquely identifying a particular iteration of said sequence, and wherein when a user selects one of said unique iteration number identifiers, detailed information describing each command executed during the iteration associated with the selected iteration number identifier is displayed on said display device (i.e. col. 9 lines 7-25) as claimed.

As per claim 12, the rejection of claim 11 is incorporated. Blowers further discloses: a start time and an end time associated with execution of each command that was executed during the iteration associated with the selected iteration number

identifier; information identifying the iteration associated with the each command ;a

step associated with each command; a device associated with each command;

information indicating whether the displayed command was successfully executed (i.e.

col. 9 lines 7-25) as claimed.

As per claim 13, the rejection of claim 1 is incorporated. Blowers further discloses

that the GUI generation code and the GUI user interaction handling code are written in

an object-oriented, platform-independent language (i.e. col. 6 lines 15-22) as claimed.

As per claims 14-22, they are the method versions of claims 1-10, respectively,

and are rejected for the same reasons set forth in connection with the rejection of claims

1-10 above.

Per claim 39:

The rejection of claim 1 is incorporated. Blowers further discloses:

Execution of the sequence of commands causes communication with a device identified

by the sequence (i.e. col. 9 lines 7-25) as claimed.

Per claim 41:

The rejection of claim 1 is incorporated. Blowers further discloses:

A memory to store a file containing the results of the execution of the sequence of

commands, wherein the second window presents the results of the execution of the

sequence in response to selection of a displayed option that enables opening of the file

(i.e. col. 9 lines 7-25) as claimed.

Per claim 42:

The rejection of claim 1 is incorporated. Blowers further discloses:

-the execution of sequence of commands causes testing of one or more devices

identified in the sequence argument (i.e. col. 9 lines 1-6; "The task sequence

generation window illustrated in Figs 7-9" and results window of Fig. 9 through a results

interface 60) as claimed.

Per claim 43:

The rejection of claim 1 is incorporated. Blowers further discloses:

-the presented results include information associated with one or more remote devices

argument (i.e. col. 9 lines 1-6; "The task sequence generation window illustrated in Figs

7-9" and results window of Fig. 9 through a results interface 60) as claimed.

Per claim 44:

The rejection of claim 14 is incorporated. Blowers further discloses:

-storing the results of execution of sequence in a file, and in response to receiving user

activation of a displayed option, open the file to enable displaying the results in the

second window argument (i.e. col. 9 lines 1-6; "The task sequence generation window

illustrated in Figs 7-9" and results window of Fig. 9 through a results interface 60; col 9

lines 1-7) as claimed.

Per claim 45:

The rejection of claim 14 is incorporated. Blowers further discloses:

Displaying the results of the execution comprises displaying information associated with

one or more remote devices (i.e. col. 9 lines 1-6; "The task sequence generation

window illustrated in Figs 7-9" and results window of Fig. 9 through a results interface

60) as claimed.

As per claims 46, 47, and 49-52, these are the computer program versions of

claims 3-11 and 42, respectively, and are rejected for the same reasons set forth in

connection with the rejection of claims 3-11 and 42 above.

Per claim 48:

The rejection of claim 46 is incorporated. Blowers further discloses:

The program when executed causes the computer to remove at least one of a step,

device, and command from the sequence in response to selection of a displayed third

option (see Fig 7-9, edit option) as claimed.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Blowers et al. (US Patent 6,724,409) hereinafter referred to as "Blowers," in view of

Weinberg et al. (US Patent 6,587,969) hereinafter referred to as "Weinberg."

Per claim 34:

Blowers discloses:

-a processor configured to execute logic configured to generate a graphical user

interface (GUI),logic configured to interact with at least one human to machine interface,

and logic configured to generate commands applied to control systems within one or

more remote devices (i.e. "Graphical representations of possible hardware and possible

machine vision tasks are displayed. Commands are received from a user to select

desired hardware operating parameters corresponding to desired hardware and a

machine vision graphical representation and its associated first control program

corresponding to a desired machine vision task," abstract)

-a display device in communication with said processor, wherein when said

processor executes the logic configured to generate the GUI, a first window is

displayed on the display device that displays both a sequence in a first portion of the

first window and a list of one or more commands in a second portion of the first window

wherein said first window presents an option , the selection of which executes the

sequence, wherein when a second option is selected, the display device displays a

second window displaying data resulting from execution of the sequence, enables a

user to open a panel comprising both sequence in a first portion of the panel and a list

of one or more commands in a second portion of the panel (i.e. "The task sequence

generation window illustrated in Figs 7-9" and results window of Fig. 9 through a results

interface 60) as claimed.

Blowers does not explicitly discloses that the data resulting from the execution of

the sequence comprises a summary of information from the one or more remote

devices. However, Weinberg teaches that it was known in the art of software

development and testing, at the time applicant's invention was made, to view the overall

execution results without details. It would have been obvious for one having ordinary

skill in the art of computer software development and distribution to modify the tree-

based GUI testing system of Blowers to include summary information of the execution.

The modification would be obvious because one having ordinary skill in the art would be

motivated to view the overall information resulting from the execution as thought by

Weinberg (See the displayed Execution Log window in Fig 3A, 4A, and 5F; "FIG. 5F

illustrates the execution summary that is provided in a web-based implementation of the

testing tool. The execution summary includes a tree representation ... or "report tree" of

the test execution in the left pane of the screen," col 17, lines 1-45; see also col 3, lines

11-44; col 11 lines 33-50).

> Per claim 35:

The rejection of claim 34 is incorporated. Blowers further teaches that the one or more

remote devices comprise devices configured to house and manipulate data storage

media (i.e. col. 7 lines 9-25) as claimed.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-22, 34, 35, 39, and 41-52 have

been considered but are moot in view of the new ground(s) of rejection. Therefore, this

action is non-final.

10.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Insun Kang whose telephone number is 571-272-

3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should

be directed to the TC 2100 Group receptionist: 571-272-2100.

I. Kang
AU 2193

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100